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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,584	05/21/2002	Arne Johansson	1807-0160P	4871
2292	7590	07/11/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SHARMA, RASHMI K	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,584

Applicant(s)

JOHANSSON, ARNE

Examiner

Rashmi K. Sharma

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15, 19, 21-28 and 32 is/are rejected.
- 7) ☐ Claim(s) 16-18, 20, 29-31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 10, 21, 22 and 23 recite the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 10, 21 and 22 recite "An extension device for an automotive vehicle...". These claims then further recite structure drawn to the specifics to the vehicle. It is unclear as to whether the Applicant intends to claim an extension device alone or in combination with the vehicle. Further clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10 and 23 rejected under 35 U.S.C. 102(a) as being anticipated by LeMay et al. (U.S. Patent number 6,152,341).

LeMay et al. disclose an extension device (20) for an automotive vehicle comprising a forward vehicle section supporting a prime mover (28) and being provided with front wheels and a first articulation member (32, 34, 48), and a rear, load-carrying vehicle section (24, 26) being provided with rear wheels and a second articulation member (54), wherein the first and second articulation members are adapted to fit to each other, said extension device (20) being adapted for insertion between the forward and rear vehicle sections in a longitudinal direction of the vehicle for extending the length of the vehicle, said extension device (20) further comprising a framework (22) with a front end section (1-4 and 7) adapted to be connected to the forward vehicle section and a rear end section adapted to be connected to the rear vehicle section, and wherein at least one of said end sections is provided with a third articulation member (34 or 50, 52) for connection with one of said first or second articulation members for forming an articulation joint so as to allow pivoting of said vehicle sections in relation to each other about the longitudinal direction of said vehicle, wherein the third articulation member (34 or 50, 52) comprises a cylindrical portion having an axis of symmetry running in an extension direction of the extension device (20), a pivot pin (48), a pivot sleeve (34) at the front section of the extension device (20) and the third articulation member (50, 52) at the rear end section of the extension device (20) having a pivot pin (52, see Figure 7), whereby the pivot pins (48 or 52) are hollow. LeMay et al. also disclose internal bearings (198, 200).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15, 19, 21, 22, 24-28 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (U.S. Patent number 6,152,341) in view of Cartwright (U.S. Patent number 6,062,982).

LeMay et al. as disclosed above, fails to show an articulation member, pivot pins and a pivot sleeve having circular cross section and a cardan shaft.

Cartwright does disclose cardan shafts (26 and 32) having circular cross sections.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LeMay's tubular articulation members, tubular pivot pins and tubular pivot sleeves to have circular cross sections and the cardan shafts as disclose by Cartwright in order to provide for varyingly shaped structural members, as they are all considered to be functionally equivalent. It is very well known in the art that cardan shafts are typically shaped having circular cross sections, therefore utilizing cardan shafts within an extension device as disclosed in LeMay et al. and Cartwright, it would be obvious to one having ordinary skill in the art to provide cylindrical or circular structural elements capable of mating with the cardan shafts.

Allowable Subject Matter

Claims 16-18, 20, 29-31 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Dependent claims 16-18, 20, 29-31 and 33 recite the structural limitation of an extension device comprising framework having at least two parallel girder sections extending between the end sections, an upper supporting portion, a lower supporting portion, side portions whereby the side portions extending between the end sections, wherein the upper supporting portion includes an aperture allowing access to the inside of the extension device and wherein a brake caliper is fixedly connected to the extension device inside the device for cooperating with a brake disc arranged on the cardan shaft portion in order to brake the shaft, in combination with the rest of the recited structure, clearly defines over the prior art.

Response to Arguments

Applicant's arguments with respect to claims 10-33 have been considered but are moot in view of the new ground(s) of rejection.

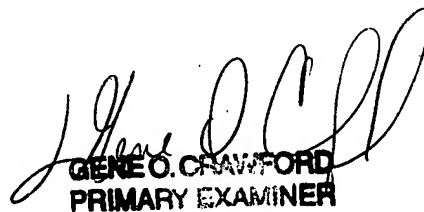
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD
PRIMARY EXAMINER